

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUAN CASTILLO,

Plaintiff, **NOTICE OF MOTION**

-against-

08 Civ 2915 (LAP)

THE CITY OF NEW YORK, NYC POLICE  
DEPARTMENT, POLICE OFFICER PICHARDO SH  
#04287, POLICE OFFICER JOHN DOE #1, POLICE  
OFFICER JOHN DOE #2, AND POLICE OFFICER  
JOHN DOE #3,

Defendants.

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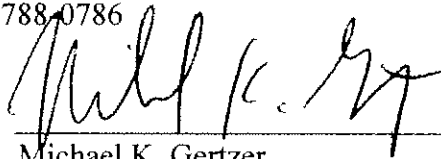
**PLEASE TAKE NOTICE** that upon the Declaration of Michael K. Gertzer and the exhibits annexed thereto, the Memorandum of Law dated June 16, 2008, and upon all prior pleadings and proceedings had herein, defendants City of New York and New York City Police Department will, in lieu of an answer to the complaint, move this Court, before the Honorable Loretta A. Preska, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on a date directed by the Court, for a order dismissing the plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

**PLEASE TAKE FURTHER NOTICE**, that plaintiffs are to serve their opposition papers on the undersigned on or before July 7, 2008; defendants to serve their reply on or before July 14, 2008.

Dated: New York, New York  
June 16, 2008

MICHAEL CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants City of New York and  
New York City Police Department  
100 Church Street, Room 3-190  
New York, New York 10007  
(212) 788-0786

By:

A handwritten signature in black ink, appearing to read "Michael K. Gertzer", written over a horizontal line.

Michael K. Gertzer  
Assistant Corporation Counsel